

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

SALITA PROMOTIONS CORP.,

Case No. 2:20-cv-12547-LJM-EAS

Hon. Laurie J. Michelson

Plaintiff,

v.

SHOHJAHON ERGASHEV and
OLEG BOGDANOV,

Defendants.

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Attorneys for Plaintiff

**PLAINTIFF'S MOTION FOR ENTRY OF A
PRELIMINARY INJUNCTION AGAINST DEFENDANT ERGASHEV**

Plaintiff, Salita Promotions Corp. (“Salita Promotions”), by and through Clark Hill PLC, its undersigned attorneys, hereby respectfully moves this Honorable Court for entry of a Preliminary Injunction against Defendant Ergashev pursuant to Rule 65(b) of the Federal Rules of Civil Procedure and Eastern District of Michigan Local Rule 65.1, and for its Motion for a Preliminary Injunction, relies on its Brief and attached Exhibits, its Verified Complaint [ECF No. 1], and Plaintiffs Emergency Ex-Parte Motion for a Temporary Restraining Order and Entry of an Order to Show Cause Why a Preliminary Injunction Should Not Be Issued Against Defendants [ECF No. 2], and this Court’s Opinion and Order Granting In Part Salita Promotions’ Ex Parte Motion for Temporary Restraining Order [ECF No. 8], of which have been provided to the Defendants.

Concurrence in the relief requested in this Motion was sought from each Defendant on November 4, 2020, and on multiple prior dates, but concurrence was not obtained. Plaintiff has previously attempted to reach Defendants through Defendant Ergashev’s WhatsApp email at ShohjahonUSA and Dmitriy Salita, who speaks Russian, has left a voice message on Defendant Ergashev’s Russian telephone number, the telephone number designated for notice under the Promotional Agreement. Counsel most recently emailed a request for concurrence

to Defendant Bogdanov at ice99@inbox.ru and Defendant Ergashev at shahjahon1991@mail.ru, but has not received a response.

Respectfully submitted,

CLARK HILL PLC

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Dated: November 4, 2020

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**BRIEF IN SUPPORT OF PLAINTIFF'S MOTION
FOR PRELIMINARY INJUNCTION**

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STATEMENT OF ISSUES PRESENTED

Should a Preliminary Injunction be entered enjoining Defendant Ergashev from participating in any boxing bouts that fall outside the scope of the Agreement and from signing any promotional agreements or bout agreements with any other promoters?

Plaintiff Salita Promotions Corp. answers YES

Defendants Shohjahon Ergashev and Oleg Bogdanov likely answer NO.

**BRIEF IN SUPPORT OF PLAINTIFF'S MOTION
FOR PRELIMINARY INJUNCTION**

Salita Promotions is requesting the Court to enter a preliminary injunction against Defendant Ergashev pending the trial in this case. The same four factors which apply to a temporary restraining order also apply to a preliminary injunction. This Court entered a temporary restraining order against Defendant Ergashev within its Opinion and Order Granting in Part Ex-Parte Motion for Temporary Restraining Order [ECF No. 8] on September 18, 2020, where those four factors were addressed in the Court's Opinion. Those factors were also addressed in Plaintiff's Emergency Ex-Parte Motion for a Temporary Restraining Order and Entry of an Order to Show Cause Why a Preliminary Injunction Should Not Be Issued Against Defendants [ECF No. 2] (the "Order"). Salita Promotions relies upon and incorporates that Brief into this motion.

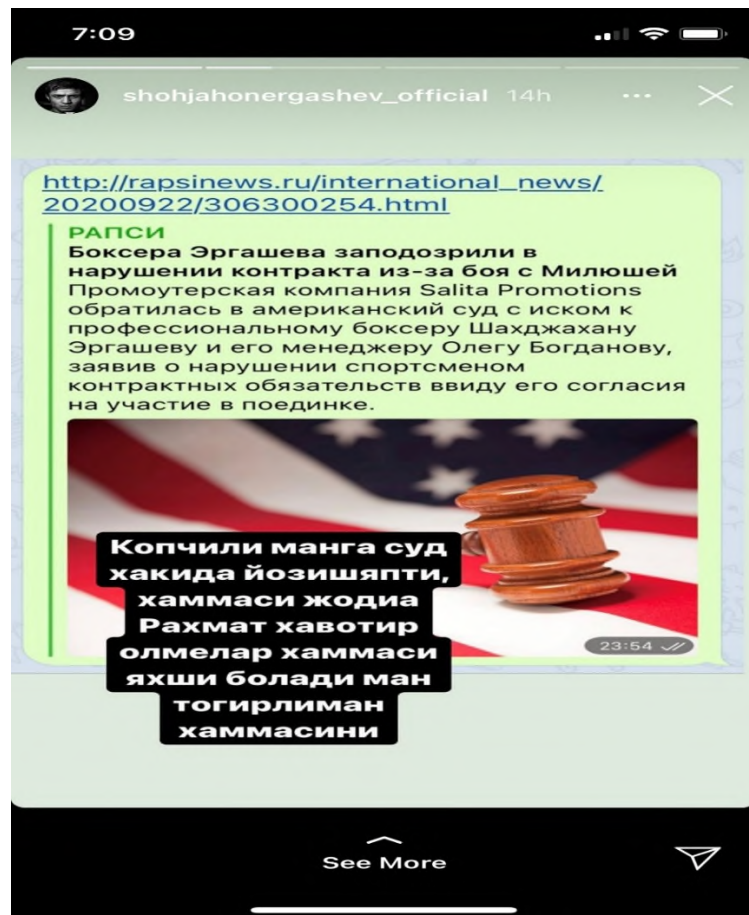
Since entry of the Order, there have been additional developments that further support and necessitate the filing of this motion and entry of a preliminary injunction.

First, upon information knowledge and belief, Defendant Ergashev did not engage in the September 21, 2020 boxing bout in St. Petersburg, Russia as a result of being served with the Court's Order.

Second, Defendant Ergashev has not responded to repeated requests from the Salita Promotions to confer and attempt to resolve this matter, either on a

preliminary basis or by way of a final resolution. The Court in its Order ordered the parties to meet in a good-faith attempt to resolve this matter without further court intervention and to file a report of that meeting by September 25, 2020 [ECF No. 8, Page ID 10]. Defendant Ergashev has failed and refused to confer with Salita Promotions under the terms of the Order and has not filed a special or general appearance with the Court.

However, it is clear that Defendant Ergashev is aware of the lawsuit. In fact, Defendant Ergashev posted a reference to this case and the Court's Order in the Uzbek language on his Instagram account webpage:



Salita Promotions has obtained two translations of Defendant Ergashev's Instagram post from persons fluent in Uzbek:

“Kochipi (a noun, perhaps a person's name) is writing about me about to the court, everything is fine, thank you, don't worry, everything will be fine, I will fix everything”

“Many people are asking me about the lawsuit, don't worry everything will be ok, everything will be fine, I will take care of everything here.”

Third, as a result of Defendant Ergashev failure to reply or communicate to any of the communications relating to this matter, Salita Promotions has been prevented from finalizing an agreement for an upcoming bout to be televised during the NBC Sports boxing event on November 19, 2020. **Exhibit 1.**

Next, after Defendant Ergashev failed to commit to the November 19th, bout, Salita Promotions secured Defendant Ergashev an opportunity to participate in a 10-round bout on December 12, 2020 on Showtime against Gary Antuanne Russell, with a \$50,000 purse. *Id.* Unfortunately, Defendant Ergashev again failed to commit to this bout.

Thereafter, Defendant Ergashev began posting about his participation in an upcoming event on November 16, 2020:



After that, on October 27, 2020, Salita Promotions received a letter from the International Boxing Federation (“IBF”) offering Defendant Ergashev the opportunity to participate in an IBF Jr. Welterweight Eliminator division bout to determine who the mandatory challenger would be for the number 1 ranking.

Exhibit 2. Upon receipt of this letter, Salita Promotions notified Defendant Bogdanov of this opportunity and inquired as to whether Defendant Ergashev would be interested in this opportunity so that Salita Promotions could continue to fulfill its obligations and responsibilities as Defendant Ergashev’s exclusive

promotor and respond timely to the IBF. However, Defendant Bogdanov responded directly to the IBF as follows:

Thank you very much for your letter, last week we were informed of this news and we are very grateful that the IBF provides an opportunity for Shoh to fight for the Elimination status and of course on behalf of Shohjahon Ergashev I give a positive answer, Shohjahon will fight in IBF Eliminator, all further negotiations regarding the fight will be conducted by Adam Morallee and me. Dmitry Salita is not authorized to conduct any negotiations with anyone regarding the organization of Shohjahons fights.

Sincerely Yours
Oleg Bogdanov

Exhibit 3. Salita Promotions remains in discussions on behalf of Defendant Ergashev to schedule this bout.

These developments do not change the factors that caused the Court to conclude that a temporary restraining order should be entered against Defendant Ergashev and in fact further reinforce the fact that Defendant Ergashev is intentionally ignoring his contractual obligations to Salita Promotions. Between now and the time of the trial, Defendant Ergashev should be preliminarily enjoined from entering into bout agreements without the consent of the Plaintiff and should be enjoined from entering into other promotional agreements with other promoters without the consent of the Plaintiff. A proposed order is attached as **Exhibit 4.**

WHEREFORE, the Plaintiff Salita Promotions Inc. requests the following relief from this Honorable Court:

- (1) Entry of an order to show cause with a scheduling order directing the Defendant Ergashev to explain why a preliminary injunction should not be issued against him enjoining him from participating in bouts, from signing bout agreements and from signing promotional agreements with other promoters, without the written consent of the Plaintiff.
- (2) Entry of a preliminary injunction restraining and enjoining Defendant Shohjahon Ergashev from, directly or indirectly, whether alone or in concert with others, violating the terms of the Promotional Agreement, from participating in any bouts that fall outside the Promotional Agreement, from signing any promotional agreements with other promoters and from signing any bout agreements, without the written consent of the Plaintiff Salita Promotions, Inc.;
- (3) Preliminarily enjoining Defendant Shohjahon Ergashev from destroying, erasing, or otherwise making unavailable, any documents or information in his possession or control which pertain in any way to Salita Promotions' claims in this action (including all digital information, whether that information is on computer storage, in an email or social-media account, or on a cell phone).

(4) Any other relief which the Court deems appropriate.

Respectfully submitted,

CLARK HILL PLC

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